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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TRAN, QUOC DUC

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,463

Applicant(s)

MATUSZEWSKI ET AL.

Examiner

Quoc D. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The indicated allowability of claims 4-5 and 14-24 is withdrawn in view of the newly discovered reference(s) to Bush (4,756,017), Curtis (4,841,559) and DE 20001060 U1.

Rejections based on the newly cited reference(s) follow.

Claim Objections

2. Claims 1, 4, 11, 13, 14, 17, 23, 24 and 27 are objected to because of the following informalities: the terms “may be” or “can be” are not positive limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 31-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 31-33 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the switch that used by the technician to selectively either testing or monitoring of the communication circuit.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 4, 6-10, 12-23 25-27 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanquist (5,671,273) in view of Bush (4,756,017).

Consider claim 1, Lanquist teaches an interface device for testing a telecommunication circuit (col. 1 lines 47-54), comprising: a test cord with a first end integrated with said interface device and a second end terminating with a test connector for connecting to the telecommunication at a point (col. 2 line 63 – col. 3 line 6); at least two interfaces for selective attachment of diagnostic tool, a first interface comprising a plurality of conductor, and a second interface comprising a jack (col. 2 line 50 – col. 3 line 6); and a first switch that may be selectively placed into at least one of a first and second positions (col. 3 lines 54-65); and the second switch position disrupting operation of the circuit is disrupted and permitting analysis of the circuit on opposite sides of the point (col. 3 line 66 – col. 4 line 10).

Lanquist suggested wherein the first switch position enables normal operation of the circuit without disruption (col. 3 lines 54-65). Lanquist did not clearly suggest where the first position enables monitoring operation of the circuit. However, Bush disclosed a test device having a switch that when in first position the telephone company line connected to the customer phone line (i.e., without disruption) and provided a indicator (i.e., LED) used for monitor the condition of the line (col. 2 lines 16-22).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the line monitoring feature of Bush into view of Lanquist in order to quickly determine the status of the telephone line.

Consider claim 2, Lanquist teaches wherein said test connector comprises a test probe for connecting to the telecommunications circuit (col. 3 line 2).

Consider claim 3, Lanquist wherein said test connector comprises a test plug for connecting to the telecommunications circuit (col. 2 line 66).

Consider claim 4, Bush teaches wherein said test connector comprises a multi-pair plug for connecting to a plurality of communication circuits, and said interface device further comprises a second switch that may be selectively placed into one of a plurality of positions, each of said positions corresponding to one communication circuit of said plurality of communication circuits (col. 6 lines 22-47).

Consider claim 6, Lanquist teaches wherein each of said plurality of conductors comprises one of a stud, banana plug, test port and test lead (see Fig. 1).

Consider claim 7, Lanquist teaches wherein said plurality of conductors comprises four studs, with two of said studs permitting analysis of a first side the point and the other two of said studs permitting analysis of a second side of the point (col. 2 line 45).

Consider claim 8, Lanquist teaches wherein said jack is a RJ-11 type jack (see Fig. 2). It should be noted that RJ-11 jack is a standard telephone jack.

Consider claim 9, Lanquist teaches wherein said first switch is one of a rocker-type switch, a toggle-type switch, rotary-type switch, and a button-type switch (see Fig. 8).

Consider claim 10, Lanquist teaches the interface device further comprising an attachment mechanism for mounting said interface device onto a surface (col. 4 lines 23-26).

Consider claim 12, Lanquist teaches wherein said attachment mechanism comprises one of screws, clips, magnets, and adhesive (col. 4 lines 23-26).

Consider claim 13, Lanquist teaches wherein said attachment mechanism comprises a frame secured to the surface and upon which can be mounted at least one piece of telecommunications equipment (see Fig. 9).

Consider claim 14, Lanquist teaches a telecommunication system with testing capabilities, comprising: a first telecommunication network for supplying voice and data services to a selected access point from a centralized location; a second telecommunication network selectively connected to the first telecommunication network at said selected access point and used to distribute said services to end users; one or more connectivity blocks associated with said selected access point that interface said first telecommunication network with said second telecommunication network, each of said one or more connectivity blocks including one or more test ports (col. 1 lines 8-19); and an interface device for testing a telecommunication circuit, comprising: a test cord with a first end integrated with said interface device and a second end terminating with a test connector (col. 2 line 63 – col. 3 line 6); a first interface comprising a plurality of conductors that allow for a selective attachment of a first diagnostic tool; a second interface comprising a jack that allows for a selective attachment of a second diagnostic tool (col. 2 line 50 – col. 3 line 6); and a first switch that may be selectively placed into at least one of a first and second position (col. 3 lines 54-65); where upon insertion of said test connector into one of said test ports, a user may configure said interface device to disrupt said telecommunication circuit and allow said user to examine both sides of said circuit by placing said first switch in said second position (col. 3 line 66 – col. 4 line 10).

Lanquist suggested wherein the first switch position enables normal operation of the circuit without disruption (col. 3 lines 54-65). Lanquist did not clearly suggest where a user may

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configure said interface device to allow for monitoring of said telecommunication circuit without disrupting said circuit by placing said first switch in said first position. However, Bush disclosed a test device having a switch that when placed by the user in first position the telephone company line connected to the customer phone line (i.e., without disruption) and provided a indicator (i.e., LED) used for monitor the condition of the line (col. 2 lines 16-22).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the line monitoring feature of Bush into view of Lanquist in order to quickly determine the status of the telephone line.

Consider claim 15, Lanquist teaches wherein said disruption of said telecommunication circuit includes the disconnection of said first telecommunication network from said second telecommunication network (col. 4 lines 7-10).

Consider claim 16, Lanquist teaches wherein said test connector comprises one of a test probe and test plug (col. 3 line 2).

Consider claim 17, Bush teaches wherein said test connector comprises a multi-pair plug for connecting to a plurality of test ports, and said telecommunications system further comprises a second switch that may be placed into one of a plurality of positions, each of said positions corresponding to one communication circuit out of a plurality of communication circuits (col. 6 lines 22-47).

Consider claim 18, Lanquist teaches wherein each of said plurality of conductors comprises one of a stud, banana plug, test port and test lead (see Fig. 1).

Consider claim 19, Lanquist teaches wherein said jack is a RJ-11 type jack (see Fig. 2). It should be noted that RJ-11 jack is a standard telephone jack.

Consider claim 20, Lanquist teaches wherein said first switch is one of a rocker-type switch, a toggle-type switch, rotary-type switch, and a button-type switch (see Fig. 8).

Consider claim 21, Lanquist teaches the interface device further comprising an attachment mechanism for mounting said interface device onto a surface (col. 4 lines 23-26).

Consider claim 22, Lanquist teaches wherein said attachment mechanism comprises one of screws, clips, magnets, and adhesive (col. 4 lines 23-26).

Consider claim 23, Lanquist teaches wherein said attachment mechanism comprises a frame secured to the surface and upon which can be mounted said one or more connectivity blocks (see Fig. 9).

Consider claim 25, Lanquist teaches a method of testing a telecommunications circuit, comprising the steps of: inserting a test connector into a test port of a connectivity block, said test connector located at a free end of a test cord that is integrated with an interface device (col. 2 line 63 – col. 3 line 6); connecting a diagnosis tool to one of a first interface and a second interface on said interface device; and disrupting the telecommunication circuit by placing said switch on said interface device in a second state, permitting analysis of the telecommunication circuit on opposite sides of the connectivity block (col. 3 line 54 – col. 4 line 10).

Lanquist did not clearly suggest monitoring an operation of the telecommunications circuit without disrupting it by placing a switch on said interface device in a first state. However, Bush disclosed a test device having a switch that when in first position the telephone company line connected to the customer phone line (i.e., without disruption) and provided a indicator (i.e., LED) used for monitor the condition of the line (col. 2 lines 16-22).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the line monitoring feature of Bush into view of Lanquist in order to quickly determine the status of the telephone line.

Consider claim 26, Lanquist teaches the method of testing a telecommunications circuit further comprising the step of mounting said interface device onto a surface nearby the connectivity block (see Fig. 4).

Consider claim 27, Lanquist teaches an interface device for testing a plurality of telecommunication circuits (col. 1 lines 47-54), comprising: a test cord with a first end integrated with said interface device and a second end terminating with a multi-pair plug capable of connecting to the plurality of telecommunication circuits (col. 2 line 63 – col. 3 line 6); at least two interfaces for selective attachment of a diagnostic tool, a first interface comprising a plurality of conductors, and a second interface comprising a jack (col. 2 line 50 – col. 3 line 6); and a switch that may be selectively placed into one of a plurality of positions, anyone of which can be selected, by control of said switch, for either testing, whereby a selected communication circuit is disrupted (col. 3 line 54 – col. 4 line 10).

Lanquist did not clearly suggest selecting any one of the switch positions for monitoring, whereby the selected communication circuit is not disrupted. However, Bush disclosed a test device having a switch that when in first position the telephone company line connected to the customer phone line (i.e., without disruption) and provided a indicator (i.e., LED) used for monitor the condition of the line (col. 2 lines 16-22).

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Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the line monitoring feature of Bush into view of Lanquist in order to quickly determine the status of the telephone line.

Consider claim 29, Lanquist teaches wherein each of said plurality of conductors comprises one of a stud, banana plug, test port and test lead (see Fig. 1).

Consider claim 30, Lanquist teaches the interface device further comprising an attachment mechanism for mounting said interface device onto a surface (col. 4 lines 23-26).

Consider claim 31, based on the above claims and best interpretation, Lanquist teaches an interface device for testing a plurality of telecommunication circuits (col. 1 lines 47-54), comprising: a test cord with a first end integrated with said interface device and a second end terminating with a multi-pair plug capable of connecting to the plurality of telecommunication circuits (col. 2 line 63 – col. 3 line 6); and at least two interfaces for selective attachment of a diagnostic tool, a first interface comprising a plurality of conductors, and a second interface comprising a jack (col. 2 line 50 – col. 3 line 6), the diagnostic arranged and configured select any one of the plurality of communication circuits for either testing, whereby a selected communication circuit is disrupted (col. 3 line 54 – col. 4 line 10).

Lanquist did not clearly suggest selecting any one of the switch positions for monitoring, whereby the selected communication circuit is not disrupted. However, Bush disclosed a test device having a switch that when in first position the telephone company line connected to the customer phone line (i.e., without disruption) and provided a indicator (i.e., LED) used for monitor the condition of the line (col. 2 lines 16-22).

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Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the line monitoring feature of Bush into view of Lanquist in order to quickly determine the status of the telephone line.

Consider claim 32, Lanquist teaches wherein each of said plurality of conductors comprises one of a stud, banana plug, test port and test lead (see Fig. 1).

Consider claim 33, Lanquist teaches the interface device further comprising an attachment mechanism for mounting said interface device onto a surface (col. 4 lines 23-26).

8. Claims 11 and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Lanquist (5,671,273) in view of Bush (4,756,017) and further in view of Suffi et al (6,039,578).

Consider claims 11 and 24, Lanquist did not suggest wherein the telecommunication circuit point is associated with a connectivity block having a test port, said interface device being mounted nearby the connectivity block so that said test connector of said of said second of said test cord may be selectively connected to the test port. However, Suffi et al suggested such (see Fig. 1-3). Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to incorporate the teaching of Suffi et al into view of Lanquist in order to enable testing between various network.

9. Claims 5 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanquist (5,671,273) in view of Bush (4,756,017) and further in view of Curtis (4,841,559).

Consider claims 5 and 28, Lanquist teaches a push-type switch. Lanquist did not suggest wherein said switch comprises a rotary switch. However, Curtis suggested such (Fig. 1).

Therefore, it is obvious to one of the ordinary skill in the art at the time the invention was made

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to replace the push-type switch of Lanquist with a rotary-type switch of Curtis since it provides same switching function.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 14, 25, 27 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 20001060 U1.

Consider claims 1, 14, 25, 27 and 31, Reference DE 20001060 U1 teaches an interface device for testing a telecommunication circuit comprising: a test cord with a first end integrated with said interface device and a second end terminating with a test connector for connecting to the telecommunication at a point; at least two interfaces for selective attachment of diagnostic tool, a first interface comprising a plurality of conductor, and a second interface comprising a jack; and a first switch that may be selectively placed into at least one of a first and second positions; the first switch position enabling monitoring of the circuit without disruption and the second switch position disrupting operation of the circuit is disrupted and permitting analysis of the circuit on opposite sides of the point (see Abstract, Fig. 1). It should be noted that the test adaptor is used to test cable terminal of the telecommunications network. Thus, inherently and/or obviously comprising a first telecommunication network for supplying voice and data services to a selected access point from a centralized location; a second telecommunication network selectively connected to the first telecommunication network at said selected access point and

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used to distribute said services to end users; one or more connectivity blocks associated with said selected access point that interface said first telecommunication network with said second telecommunication network.

Response to Arguments

12. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

14. Any response to this action should be mailed to:

Mail Stop ____ (explanation, e.g., Amendment or After-final, etc.)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Quoc Tran** whose telephone number is **(571) 272-7511**. The examiner can normally be reached on M, T, TH and Friday from 8:00 to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Curtis Kuntz**, can be reached on **(571) 272-7499**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600** whose telephone number is **(571) 272-2600**.

QUOCTRAN
PRIMARY EXAMINER

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January 6, 2006